

**SUPREME COURT MINUTES
WEDNESDAY, MAY 26, 2010
SAN FRANCISCO, CALIFORNIA**

S047868**PEOPLE v. GEORGE
(JOHNATON SAMPSON)**

Extension of time granted

Good cause appearing, and based upon counsel Bruce Eric Cohen's representation that he anticipates filing the appellant's reply brief by June 1, 2011, counsel's request for an extension of time in which to file that brief is granted to July 23, 2010. After that date, only five further extensions totaling about 310 additional days are contemplated.

S056766**PEOPLE v. LEON (RICHARD)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing the appellant's opening brief by July 30, 2010, counsel's request for an extension of time in which to file that brief is granted to July 23, 2010. After that date, only one further extension totaling about seven additional days is contemplated.

S065233**PEOPLE v. SMITH (FLOYD
DANIEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's reply brief by June 1, 2011, counsel's request for an extension of time in which to file that brief is granted to August 2, 2010. After that date, only five further extensions totaling about 300 additional days are contemplated.

S065575**CHAMPION (STEVE ALLEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Steven E. Mercer's representation that he anticipates filing the reply to petitioner's brief on the merits and exceptions to the referee's report by July 23, 2010, counsel's request for an extension of time in which to file that brief is granted to July 23, 2010. After that date, no further extension is contemplated.

S080054**PEOPLE v. LINTON (DANIEL
ANDREW)**

Extension of time granted

Good cause appearing, and based upon counsel Diane E. Berley's representation that she anticipates filing the appellant's reply brief by December 15, 2010, counsel's request for an extension of time in which to file that brief is granted to July 22, 2010. After that date, only three further extensions totaling about 150 additional days are contemplated.

S086578**PEOPLE v. LOOT
(KENDRICK) & MILLSAP
(BRUCE)**

Extension of time granted

Good cause appearing, and based upon counsel Manuel J. Baglanis's representation that he anticipates filing appellant Bruce Millsap's opening brief by April 2011, counsel's request for an extension of time in which to file that brief is granted to July 23, 2010. After that date, only five further extensions totaling about 270 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S098318**PEOPLE v. HENDERSON
(PAUL NATHAN)**

Extension of time granted

Good cause appearing, and based upon counsel Martin H. Dodd's representation that he anticipates filing the appellant's opening brief by September 2010, counsel's request for an extension of time in which to file that brief is granted to July 26, 2010. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S109197**PEOPLE v. VAN PELT
(JAMES GLENN)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald S. Smith's representation that he anticipates filing the appellant's opening brief by April 15, 2011, counsel's request for an extension of time in which to file that brief is granted to July 26, 2010. After that date, only five further extensions totaling about 260 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S113962**PEOPLE v. PARKER
(CALVIN LAMONT)**

Extension of time granted

Appellant's request for relief from default is granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to June 25, 2010.

S115872**PEOPLE v. SANDOVAL, JR.,
(RAMON)**

Extension of time granted

Good cause appearing, and based upon counsel Victor S. Haltom's representation that he anticipates filing the appellant's opening brief by July 12, 2010, counsel's request for an extension of time in which to file that brief is granted to July 12, 2010. After that date, no further extension is contemplated.

S118147**PEOPLE v. MIRANDA-
GUERRERO (VICTOR M.)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 2, 2010.

S130263**GAY (KENNETH EARL) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Gary D. Soward's representation that he anticipates filing the traverse by August 2, 2010, counsel's request for an extension of time in which to file that document is granted to August 2, 2010. After that date, no further extension is contemplated.

S137730**PEOPLE v. POWELL (TROY
LINCOLN)**

Extension of time granted

Appellant's request for relief from default is granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to July 12, 2010.

S176494**JENKINS (DANIEL STEVEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Marc A. Kohm's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by September 21, 2010, counsel's request for an extension of time in which to file that document is granted to July 28, 2010. After that date, only one further extension totaling about 55 additional days is contemplated.

S181627

B211127 Second Appellate District, Div. 6

**DIAZ (DAWN RENAE) v.
CARCAMO (JOSE)**

Extension of time granted

On application of defendants and good cause appearing, it is ordered that the time to serve and file defendants Jose Carcamo's and Sugar Transport of the Northwest's opening brief on the merits is extended to July 12, 2010.

S182409

B211052 Second Appellate District, Div. 3

**AGBETI (KAMI SHADE) v.
LOS ANGELES UNIFIED
SCHOOL DISTRICT**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to June 1, 2010.

S182516

H033285 Sixth Appellate District

**LANDMARK SCREENS LLC.
v. MORGAN, LEWIS &
BOCKIUS LLP.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to June 1, 2010.

S181681**HOPKINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that MAXIMILIAN J. B. HOPKINS, State Bar Number 133944, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. MAXIMILIAN J. B. HOPKINS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section

6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181682**WEBER ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW BERNARD WEBER, State Bar Number 202719, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MATTHEW BERNARD WEBER is suspended from the practice of law for a minimum of the first year of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Stephen Weinstein in the amount of \$4,707.50 plus 10 percent interest per year from January 1, 2005 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Stephen Weinstein, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. MATTHEW BERNARD WEBER must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 16, 2010.
3. At the expiration of the period of probation, if MATTHEW BERNARD WEBER has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MATTHEW BERNARD WEBER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181685**ORTEGA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID RICHARD ORTEGA, State Bar Number 113890, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID RICHARD ORTEGA must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on January 29, 2010. Any restitution owed to the

Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID RICHARD ORTEGA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181686**ONNEFLOD ON DISCIPLINE**

Recommended discipline imposed

The court orders that PER CHRISTER ONNEFLOD, State Bar Number 146318, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. PER CHRISTER ONNEFLOD is suspended from the practice of law for a minimum of the first three years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Roman and Juana Lopez in the amount of \$37,151.22 plus 10 percent interest per year from September 18, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Roman and Juana Lopez, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
 - ii. He makes restitution to Ana Maria Gonzales in the amount of \$9,125 plus 10 percent interest per year from September 18, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Ana Maria Gonzales, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - iii. He must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. PER CHRISTER ONNEFLOD must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 2, 2009.
3. At the expiration of the period of probation, if PER CHRISTER ONNEFLOD has complied with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

PER CHRISTER ONNEFLOD must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

PER CHRISTER ONNEFLOD must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181687**MOSS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ALAN IRVING MOSS, State Bar Number 68369, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ALAN IRVING MOSS must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on January 21, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ALAN IRVING MOSS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181711**MARSH ON DISCIPLINE**

Recommended discipline imposed

The court orders that GARY LLOYD MARSH, State Bar Number 96825, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GARY LLOYD MARSH is suspended from the practice of law for the first six months of probation;
2. GARY LLOYD MARSH must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 8, 2010; and
3. At the expiration of the period of probation, if GARY LLOYD MARSH has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

GARY LLOYD MARSH must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

GARY LLOYD MARSH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2011, 2012, and 2013. If GARY LLOYD MARSH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S181713**MATTHEWS ON DISCIPLINE**

Recommended discipline imposed

The court orders that EUGENE WELLINGTON MATTHEWS, State Bar Number 161396, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. EUGENE WELLINGTON MATTHEWS is suspended from the practice of law for the first 120 days of probation;
2. EUGENE WELLINGTON MATTHEWS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 2, 2010; and
3. At the expiration of the period of probation, if EUGENE WELLINGTON MATTHEWS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

EUGENE WELLINGTON MATTHEWS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

EUGENE WELLINGTON MATTHEWS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-fourth of the costs must be paid with his membership fees for each of the years 2011, 2012, 2013, and 2014. If EUGENE WELLINGTON MATTHEWS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S181716**KIDDY ON DISCIPLINE**

Recommended discipline imposed

The court orders that KENNETH LEE KIDDY, State Bar Number 85060, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. KENNETH LEE KIDDY must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 10, 2010; and
2. At the expiration of the period of probation, if KENNETH LEE KIDDY has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

KENNETH LEE KIDDY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181717**KITLAS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RAYMOND DEAN KITLAS, State Bar Number 69075, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RAYMOND DEAN KITLAS must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on January 15, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

RAYMOND DEAN KITLAS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S181718**BARNES ON DISCIPLINE**

Recommended discipline imposed

The court orders that SHARON LYNN BARNES, State Bar Number 140413, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and she is placed on probation for five years subject to the following conditions:

1. SHARON LYNN BARNES is suspended from the practice of law for a minimum of the first two years of probation, and she will remain suspended until the following requirements are satisfied:
 - i. She makes restitution to Eagle Credit Resources, LLP (or its legal successor) in the amount of \$52,628.27 plus 10 percent interest per year from April 20, 2004 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Eagle Credit Resources, LLP, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
 - ii. She must also provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before her suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. SHARON LYNN BARNES must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 23, 2009.
3. At the expiration of the period of probation, if SHARON LYNN BARNES has complied with all conditions of probation, the five-year period of stayed suspension will be satisfied and that suspension will be terminated.

SHARON LYNN BARNES must also take and pass the Multistate Professional Responsibility Examination during the period of her suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

SHARON LYNN BARNES must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**SUPREME COURT MINUTES
WEDNESDAY, MAY 26, 2010
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Wednesday, May 26, 2010, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Baxter, Werdegarr, Chin, and Moreno.

Absent: Associate Justice Joyce L. Kennard. The parties have stipulated that they have no objection to Justice Kennard's participation in the deliberations and decision of the following cases due to Justice Kennard's absence from oral argument due to surgery. Justice Kennard will review the video recordings of the oral argument.

Absent: Associate Justice Carol A. Corrigan. The parties have stipulated that they have no objection to Justice Corrigan's participation in the deliberations and decision of the following cases due to Justice Corrigan's absence from oral argument due to illness. Justice Corrigan will review the video recordings of the oral argument.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

S158965 Brian Reid, Plaintiff and Appellant,
 v.
 Google, Inc., Defendant and Respondent.

Cause called. Paul W. Cane, Jr., argued for Respondent.
Robert A. Olson argued for Amicus Curiae Association of Southern
California Defense Counsel.
Paul J. Killion and Barry L. Bunshoft argued for Appellant.

Mr. Cane replied.
Cause submitted.

S174633 Ardell Moore, Petitioner,
 v.
 Superior Court of Los Angeles County, Respondent;
 The People, Real Party in Interest.
 Cause called. Roberta Schwartz, Office of the Los Angeles County District
 Attorney, argued for Real Party in Interest.
 Jack Weedin, Office of the Los Angeles County Public Defender, argued
 for Petitioner.

 Ms. Schwartz replied
 Cause submitted.

S170778 The People, Plaintiff and Respondent,
 v.
 Eli Jordan Anderson, Defendant and Appellant.

 Cause called. Stephen Hinkle, Court-appointed Counsel, argued for
 Appellant.
 Charles C. Ragland, Office of the Attorney General, argued for
 Respondent.

 Mr. Hinkle replied.
 Cause submitted.

Court recessed until 1:30 p.m. on this date.

Court reconvened pursuant to recess.

Members of the court and officers present as first shown.

Justice Corrigan not participating in consideration of the following case, did not take the bench.

The Honorable Laurence D. Rubin, Associate Justice, Court of Appeal, Second District, Division Eight, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S153852 Ameron International Corporation, Plaintiff and Appellant,
 v.
 Insurance Company of the State of Pennsylvania et al., Defendants and
 Respondents.

[To be called and continued to the September 2010 Calendar.]

S081148 The People, Respondent,
 v.
 Martin Carl Jennings, Appellant.

Cause called. Gregory Marshall, Court-appointed Counsel, and Eric Multhaup, Alternate Assisting Counsel, argued for Appellant. Kristine A. Gutierrez, Office of the Attorney General, argued for Respondent.

Mr. Marshall replied.
Cause submitted.

S055415 The People, Respondent,
 v.
 Robert Wesley Cowan, Appellant.

Cause called. Mark Goldrosen, Court-appointed Counsel, argued for Appellant. Lewis Martinez, Office of the Attorney General, argued for Respondent.

Mr. Goldrosen replied.
Cause submitted.

Court recessed until Thursday, May 27, 2010, at 9:00 a.m.

